

- REMARKS / ARGUMENTS -**Summary of the Examiner's office action**

The drawings are objected to under 37 CFR 1.83(a) because they must show every feature of the invention specified in the claims. The steps of the claimed method must be shown and can be readily shown by a flow chart.

The claim rejections indicated in the Examiner's action are as follows:

Claims	§101	§102(e)	§103(a)	Status/References
8	X			Double patenting with claim 1 of US 6,769,693
1-9, 14, 15, 17, 18, 22-27		X		Anticipated by Allen (US 2001/0015529)
16, 18-21			X	Unpatentable over Allen in view of Baker (US 4,222,572)

Amendments

In the claims, claim 1 was amended to include a definition of the layout, the number n was defined as being at least one and the areas chosen in each bet using the layout were defined to corresponding to a card available from the deck and available to be selected as a payout-determining card.

Rejection of Claim 8 under 35 USC §101 for double patenting

Claims 8 and 9 were canceled in the present amendment. Withdrawal of the rejection of Claim 8 under 35 USC §101 is respectfully requested.

Serial No. 10/761,312
Reply to Office Action of Feb. 3, 2005

Agent's Ref. 12296-17US-3
Amdt. dated June 1, 2005

Objection to the drawings under 37 CFR 1.83(a)

Claim 1 is for a method of playing a casino table game. Figure 3 is a flow chart of the method of a preferred embodiment of the present invention. Identification of where each step of the method is shown is detailed below :

Step of claimed method	Where feature is shown
displaying a layout having areas for cards of a standard deck of playing cards, the areas corresponding to betting cards	Step 70 in Fig. 3
recording at least one gaming bet from a player	Step 80 in Fig. 3
drawing at random from the standard deck of playing cards a payout-determining card	Step 82 in Fig. 3
using the payout-determining card, calculating a payout for each gaming bet	Step 84 in Fig. 3

Each step of the method claimed is therefore shown (in an abbreviated version which is acceptable by the USPTO) in Fig. 3. Additional preferred steps are also shown in Fig. 3 but do not prevent the steps of the method claimed from being shown.

The objection to the drawings under 37 CFR 1.83(a) is therefore believed to be moot in view of the above arguments. Withdrawal of the objection is respectfully requested.

Rejection of Claims 1-9, 14, 15, 17, 18 and 22-27 under 35 USC §102(e) using Allen (US 2001/0015529)

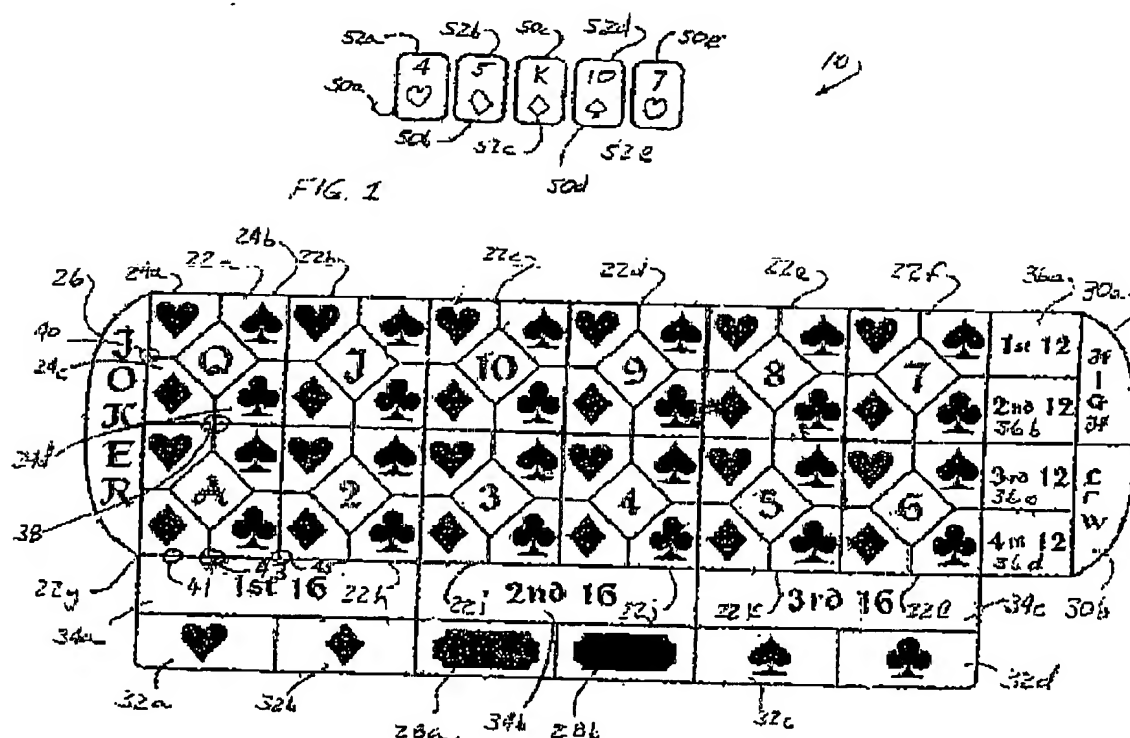
For anticipation under 35 U.S.C. § 102, the reference "must teach every aspect of the claimed invention either explicitly or impliedly. Any feature not directly taught must be inherently present." (MPEP §706.02). "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a

Serial No. 10/761,312
Reply to Office Action of Feb. 3, 2005

Agent's Ref. 12296-17US-3
Amdt. dated June 1, 2005

single prior art reference." Verdegaal Bros. v. Union Oil Co. of California, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987).

Figure 1 is most representative of Allen's invention. Figure 1 shows the layout 10 divided into twelve card areas 22a-l each bearing a designation for a playing card value, e.g. a "Q" for a Queen, a "6" for a 6. Each of the areas 22a-f is further divided into four quadrants 24a-d to designate the suit for each card value. Area 26 is designated as "Joker" by which the player may make a wager on the Joker.



Allen teaches a principal game and an auxiliary game played utilizing a standard fifty-two card deck of playing cards plus a single Joker, or electronic representations thereof. The principal game is played. In the principal game, a hand of five cards (or seven) is

dealt to the player and a game of Poker is played. A bonus wager area is provided to make a bonus wager on a Joker's Wild or Kings Bonus. If the Joker's Wild is chosen in the bet, a Joker in one's hand replaces any card necessary to make a winning Poker combination. If the Kings Bonus is chosen in the bet, the player bets that he will receive at least one King in his hand of five cards. The dealer deals the cards and gives a five card hand to each player. He resolves any bonus wagers by the players and pays the announced payouts for the bonus bets.

Additionally, the player chooses a card to place an auxiliary bet on. After the result of the bonus bets is determined, a card is randomly chosen from the hands of the principal game for the auxiliary game. If the card chosen is a King, the King is simply ignored and a further card is chosen. Some randomly chosen cards can therefore not give access to a payout. The auxiliary bets are not returned to the players, it therefore cannot be considered a "free turn", the bets are frozen until another card is simply chosen. The auxiliary bets are then resolved and paid out. All regular wagers are then resolved and paid out.

In Allen, some cards of the deck are always excluded from being displayed on the layout. In the embodiment of Figure 1, Kings of all suits are excluded from the layout. As stated at page 2, paragraph 0023, "while the layout 10 does not include any areas for Kings, which according to the preferred embodiment are excluded from single card wagers (or multiple card wagers as hereinafter describer [sic]) it should be understood that the method could be embodied by excluding Queens, Jacks, or any other selected card from the wagering layout 10." Since these cards are excluded from the layout, they cannot be bet upon as single card wagers by the player.

Claim 1 of Applicants' invention is for a method of playing a casino table game. The method comprises displaying a layout having at least an individual area for each card of a standard deck of playing cards, the areas corresponding to betting cards, wherein the

playing cards have at least one of an integer value, a face value, a suit, a color and a parity; recording at least one gaming bet from a player, wherein the player chooses a number n of the betting cards for each gaming bet using the layout, the number n being at least one, each area chosen corresponding to a card available from the deck and available to be selected as a payout-determining card; drawing at random from the standard deck of playing cards a payout-determining card wherein the payout determining card is any one card of the standard deck of playing cards; using the payout-determining card, calculating a payout for gaming bet, for the player, the payout amounting to $48/n$ when the payout-determining card matches one of the betting cards chosen, and the payout amounting to zero when the payout-determining card does not match any of the betting cards chosen.

Applicants' invention uses a layout displaying at least an individual area for each of the cards of the standard deck. All cards from the deck can be bet upon since they are all displayed on the layout, available to be chosen by the player.

The layout of Allen is clearly different from that of Applicants' making displaying the layout to allow a player to place the bet clearly different. In Applicant's invention, all cards of the deck are represented on the layout and therefore are available to be bet upon and to be selected as the payout-determining card.

This fundamental difference between Applicants' invention and Allen's has repercussions throughout the steps of the claimed method since all steps cannot be carried out in the same way if the tools used and are provided for are different.

Applicants respectfully submit that Allen does not anticipate Claim 1 because it does not teach every aspect of the claimed invention either explicitly or impliedly. Withdrawal of the rejection to Claim 1 is respectfully requested. Claims 2-7 and 14-27 are dependent on claim 1 and thus are also novel and non-obvious.

Serial No. 10/761,312
Reply to Office Action of Feb. 3, 2005

Agent's Ref. 12296-17US-3
Amdt. dated June 1, 2005

- 11 -

Rejection of Claims 16 and 18-21 under 35 USC §103(a) using Allen in view of Baker (US 4,222,572)

As stated in MPEP section 2142, to establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, and not based on applicant's disclosure. *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991).

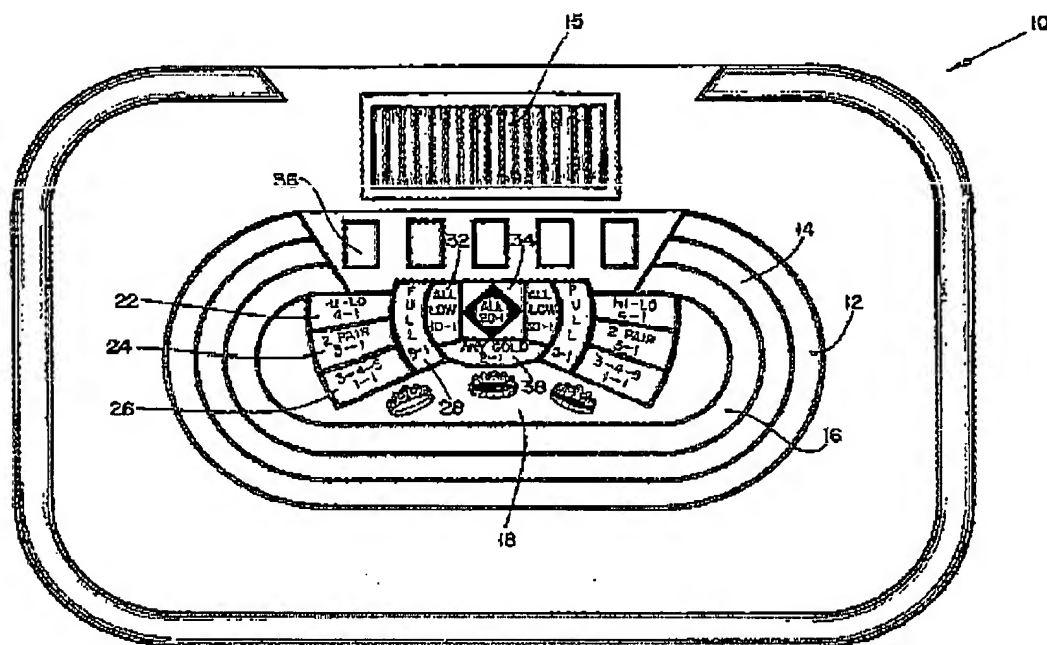
Baker teaches a card deck and game board which has high and low cards in four colours and a special board for selecting or guessing different cards. The card deck comprises high and low red and black cards. High cards have an indicia thereon and low cards lack such indicia, and there are high cards of a third colour, pref. gold or silver. In a preferred deck, there are 16 low red cards, 16 low black cards, 8 high red cards, 8 high black cards, and 4 high gold cards. The game system includes a game board playing surface for selecting or guessing different cards or hands to be dealt by a dealer.

A field bet or card selection area 18 is designated on the playing surface and contains three high card designations, one of black, one of red, and one of gold, as shown. This field area is also an area where a player may place chips to select the next card guessed that the dealer will turn up. If the next card the dealer turns up is a high card, the player wins a field bet, any black or red high card paying off 1:1, or a gold high card paying 3:1. Area 38 is for selecting that at least one gold card will be exposed in the

Serial No. 10/761,312
Reply to Office Action of Feb. 3, 2005

Agent's Ref. 12296-17US-3
Amdt. dated June 1, 2005

Figure 1 is the most representative of the layout of the game of Baker. The game board 10, card areas 36, chip storage area 15, three areas 12, 14 and 16 for black, red and gold cards, card selection area 18, area or space 22, designated "high-low", surface area 24 designated "2 pair", hand card selection 26, full house selection area 28, proposition bet area 32, "all" selection area 34 and area 38 for selecting that at least one gold card will be exposed in the hand are shown.



As explained above, the layout in Allen is clearly different from that of Applicants' thereby making all steps which use the layout directly or indirectly different from the steps of Allen. Furthermore Allen fails to teach the free turn card and the outside cards

Agent's Ref. 12296-17US-3
Amdt. dated June 1, 2005

of Applicant's invention. In order to establish a case of obviousness, those limitations lacking from Allen must first be found in Baker.

As to claim 1, as will be clearly seen from Baker's figure 1, the layout in Baker is also completely different from that of Applicants' invention. The layout of Applicants' invention displays at least an individual area for each of the cards of the standard deck. The other steps use that layout, directly or indirectly. Therefore, the limitations of the layout lacking from Allen are also not found in Baker. All claims are therefore non-obvious in view of the two references.

Claim 16 depends on claim 1. It is therefore clearly not anticipated or obvious from the above discussion. However, for completeness, the following arguments will be made. As explained above, in Baker, when a gold card appears, the player may elect to let the bet play again, and if another gold card is exposed, the pay-off is substantially increased. However, the player will then lose if another gold card does not appear. In Applicant's invention, the free turn card is a real free turn card in that when the card identified as a «free turn» card is randomly drawn from a deck of playing cards as the payout-determining card, all bets (even those not placed on that specific card) are returned to players. The players may then choose to bet again on the same card or on any other card for the next turn. The gold card of Baker is therefore different from Applicant's free turn card. Therefore, the limitation of the free turn card lacking from Allen is not found in Baker. Claim 16 is therefore not obvious in view of the two references.

Claims 18-21 depend on claim 1. They are therefore clearly not anticipated or obvious from the above discussion. However, for completeness, the following arguments will be made. Baker does not teach choosing all of the cards in a same suit and identifying an outside card from each of the four suits. Baker does not teach choosing all of the cards of a same parity and identifying four cards of odd parity as outside cards. Baker does

Serial No. 10/761,312
Reply to Office Action of Feb. 3, 2005

Agent's Ref. 12296-17US-3
Amdt. dated June 1, 2005

not teach choosing all of the cards lower or higher than face value 7 and identifying four cards of a same face value as outside cards. Furthermore, Baker does not teach choosing the outside cards to have a face value of 7 and two jokers in a deck of fifty-four playing cards. Therefore, the limitations of claims 18-21 lacking from Allen are not found in Baker. Claims 18-21 are therefore not obvious in view of the two references.

From the above discussion, it is clear that Allen, even when combined with Baker, does not render claims 1 to 7 and 14 to 27 obvious.

In view of the foregoing, reconsideration of the rejections and objections of claims 1 to 9 and 14 to 27 is respectfully requested. It is believed that claims 1 to 7 and 14 to 27 are allowable over the prior art, and a Notice of Allowance is earnestly solicited.

Respectfully submitted,

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Serial No. 10/761,312
Reply to Office Action of Feb. 3, 2005

Agent's Ref. 12296-17US-3
Amdt. dated June 1, 2005